



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 16902 of 2026

Hemanathan @ Vicky
S/o. Kathirvel,
No.99, Vinayagar Koil Street,
Chitthadur Village, Walajabad Taluk,
Kanchipuram District.

..Petitioner(s)

Vs

1. The Inspector of Police,
Magaral Police Station,
Kanchipuram District.
Cr.No.126/2025.
2. Mrs.Dhivyadharshini
W/o. Hemanathan,
D/o.Ganesan,
Presently residing at
No.99, Vinayagar Koil Street,
Chitthadur Village,
Walajabad Taluk,
Kanchipuram District.

..Respondent(s)

Prayer: This Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records in Spl.S.C.No.213/2025 on the file of the learned Principal District and Sessions Judge at Kancheepuram and quash the same as against the petitioner and pass such or other orders.

For Petitioner(s): Mr.V.Vijayakumar

For Respondent(s): Mr.R.Rajasekaran,
Government Advocate (Criminal Side) for R1



ORDER

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This Criminal Original Petition has been filed seeking to quash the final report and all further proceedings in Spl.S.C.No.213/2025 on the file of the learned Principal District and Sessions Judge, Kancheepuram.

2. The case has been taken on file for the offences punishable under Sections 87, 64(2)(m), 127(2) of BNS, 2023, read with Sections 5 (l), 5(j) (ii), 6(1) of POCSO Act, 2012, and Section 9 of the Prohibition of Child Marriage Act, 2006.

3. Though the de facto complainant has expressed no objection for quashing the proceedings, in matters involving serious offences, this Court cannot act solely on the basis of the consent of the prosecutrix. The overall facts and circumstances of the case must be taken into consideration.

4. This Court has carefully perused the statements recorded during the course of investigation, the allegations contained in the FIR and the other materials available on record. It is seen that the victim child has now attained the age of majority. It is also stated that the accused and the victim have since married each other and are living together as husband and wife. The accused is employed in a private company and is earning a lawful livelihood. The victim



is presently pregnant and is expecting a child.

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5. On a consideration of the materials available on record, it appears that the victim had entered into a love relationship with the accused and was aged about 17 years at the time of the occurrence. Taking into account the subsequent developments and the overall facts and circumstances of the case, this Court is of the view that this is a fit case for exercising its inherent jurisdiction under Section 482 of the Cr.P.C and under Section 528 of BNSS, 2023, in the peculiar facts and circumstances of the case.

6. Accordingly, the Criminal Original Petition is allowed and the proceedings in Spl.S.C.No.213/2025 on the file of the learned Principal District and Sessions Judge, Kancheepuram, are hereby quashed.

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Neutral Citation: Yes/No

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To

1. The learned Principal District and Sessions Judge,
Kancheepuram.
2. The Inspector of Police,
Magaral Police Station,
Kanchipuram District.
3. The Public Prosecutor,
Madras High Court.



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D.BHARATHA CHAKRAVARTHY, J.

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